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KATHRYN A. MARRA
DELPHI TECHNOLOGIES, INC.
Legal Staff, Mail Code: 480-414-420
P.O. Box 5052
Troy, MI 48007-5052

EXAMINER

FLANDRO, RYAN M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3679

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/033,113

Applicant(s)

ACCIACCA, ALLAN CHARLES

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this c mmunicati n appears on the cov r she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

2. In view of Applicant's Amendment submitted 25 March 2003, the objections to the claims set forth in the previous Office action (paper no. 3) are hereby withdrawn.

3. Claims 1-10 are, however, objected to for the following reasons: Applicant's repetitive use of the specific words "end portion" for portions of several different elements of the member, and including the overall member itself, is confusing. Applicant is advised to more clearly define each element and their respective portions in order to make the claims more readily understandable.

Claim Rejections - 35 USC § 102

4. Claims 1-5, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gleasman et al (US 2,854,857) (Gleasant).

a. Claim 1. Gleasant specifically shows a cable attachment for attaching a cable 12 to an end portion of a member 1 comprising the member 1 having an open ended loading slot A that extends completely across and into the end portion of the member 1 to an inner end (opposite side of surface B) forming separate cantilevered fingers F1,F2 extending across the member 1 on opposite sides of the loading slot A, the loading slot A

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spanning the separate fingers **F1,F2** to form openings between the fingers **F1,F2** at opposite sides of the end portion, the end portion having a retaining slot **16,18** that is transverse to the loading slot **A**, the loading slot **A** having an inner end portion (near opposite side of surface **B**) and the retaining slot **16,18** having an outer end portion **18** that overlaps the inner end portion of the loading slot **A**, the end portion having a first transition slot **7** that extends from one of the opposite sides of the end portion through one of the fingers **F1** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, the end portion having a second transition slot **7A** that extends from another of the opposite sides of the end portion through another of the fingers **F2** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, and the cable **12** extending through the retaining slot **16,18** and having a ferrule **5** that engages a surface of the end portion adjacent the retaining slot **16,18** for moving the member **1**, the cable **12** being moveable axially in the retaining slot **16,18** to form a lost motion attachment with the end portion of the member **1** (see annotated figure 2 below; columns 1 and 2).



- b. Claim 2. Gleasman, as applied to claim 1 above, also shows the cable **12** loaded into the retaining slot **16,18** through the loading slot **A** and the first and the second transition slots **7,7A** (see annotated figure 2 above).
- c. Claim 3. Gleasman also shows the second transition slot **7A** is coplanar with the first transition slot **7** (see annotated figure 2 above – plane normal to surfaces **F1 and B**).
- d. Claim 4. Gleasman also shows the retaining slot **16,18** as being linear (see annotated figure 2 above).
- e. Claim 5. Gleasman also shows that the retaining slot **16,18** being shaped to inhibit escape of the cable **12** transverse to its axis (see annotated figure 2 above).
- f. Claim 8. Gleasman, as applied above, shows a cable attachment for attaching a cable **12** to an end portion of a moveable member **1** comprising the member **1** having an open ended loading slot **A** that extends completely across and into the end portion of the member **1** to an inner end (opposite side of surface **B**) forming separate parallel

cantilevered fingers **F1,F2** on opposite sides of the loading slot **A**, the loading slot **A** spanning the separate fingers **F1,F2** to form openings between the fingers **F1,F2** at opposite sides of the end portion, the end portion having a retaining slot **16,18** that is perpendicular to the loading slot **A**, the loading slot **A** having an inner end portion (near opposite side of surface **B**) and the retaining slot **16,18** having an outer end portion **18** that overlaps the inner end portion of the loading slot **A**, the end portion having a first transition slot **7** that is perpendicular to the loading slot **A** and the retaining slot **16,18** and that extends from one of the opposite sides of the end portion through one of the fingers **F1** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, the end portion having a second transition slot **7A** that is aligned with the first transition slot **7** and that extends from another of the opposite sides of the end portion through another of the fingers **F2** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, and the cable **12** extending through the retaining slot **16,18** and having a ferrule **5** that engages a surface of the end portion (opposite side of surface **B**) adjacent the retaining slot **16,18** for moving the member **1**, the cable **12** being moveable axially in the retaining slot **16,18** to form a lost motion attachment with the end portion of the moveable member **1** (see annotated figure 2 above; columns 1 and 2).

g. Claim 9. Gleasman provides a member **1** having an open ended loading slot **A** that extends into an end portion of the member **1** to an inner end (opposite side of surface **B**) forming separate cantilevered fingers **F1,F2** on opposite sides of the loading slot **A**, the loading slot **A** spanning the separate fingers **F1,F2** to form openings between the

fingers **F1,F2** at opposite sides of the end portion, a retaining slot **16,18** that is transverse to the loading slot **A**, the loading slot **A** having an inner end portion (near opposite side of surface **B**) and the retaining slot **16,18** having an outer end portion **18** that overlaps the inner end portion of the loading slot **A**, a first transition slot **7** that extends from one of the opposite sides of the end portion through one of the fingers **F1** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, and a second transition slot **7A** that extends from another of the opposite sides of the end portion through another of the fingers **F2** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, a cable **12** having a ferrule **5** attached to it (see annotated figure 2 above; columns 1 and 2).

Gleasman further shows and discloses the step of inserting an end length of the cable **12** transversely into the loading slot **A** until the cable **12** is disposed in the inner end portion of the loading slot **A**, rotating the end length of the cable **12** in a planar fashion through the first and second transition slots **7,7A** until the length of the cable **12** is aligned with the retaining slot **16,18**, and inserting the end length of the cable **12** into the retaining slot **16,18** so that the cable **12** is moveable axially in the retaining slot **16,18** and the ferrule **5** is engagable with a surface (opposite side of surface **B**) of the member **1** adjacent the retaining slot **16,18** (see figure 1 and annotated figure 2 above).

Under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will

inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleasman, as applied above, in view of McGovern (US 2,511,283).

a. Claim 6. Gleasman specifically shows a cable attachment for attaching a cable **12** to an end portion of a member **1** comprising the member **1** having an open ended loading slot **A** that extends completely across and into the end portion of the member **1** to an inner end (opposite side of surface **B**) forming separate cantilevered fingers **F1,F2** extending across the member **1** on opposite sides of the loading slot **A**, the loading slot **A** spanning the separate fingers **F1,F2** to form openings between the fingers **F1,F2** at opposite sides of the end portion, the end portion having a retaining slot **16,18** that is transverse to the loading slot **A**, the loading slot **A** having an inner end portion (near opposite side of surface **B**) and the retaining slot **16,18** having an outer end portion **18** (opposite side of surface **B**) that overlaps the inner end portion of the loading slot **A**, the end portion having a first transition slot **7** that extends from one of the opposite sides of

the end portion through one of the fingers **F1** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, the end portion having a second transition slot **7A** that extends from another of the opposite sides of the end portion through another of the fingers **F2** into the inner end portion of the loading slot **A** and the overlapping outer end portion **18** of the retaining slot **16,18**, and the cable **12** extending through the retaining slot **16,18** and having a ferrule **5** that engages a surface of the end portion adjacent the retaining slot **16,18** for moving the member **1**, the cable **12** being moveable axially in the retaining slot **16,18** to form a lost motion attachment with the end portion of the member **1**; the retaining slot **16,18** shaped to inhibit escape of the cable **12** transverse to the axis of the cable **12**; the outer end portion **18** of the retaining slot **16,18** is linear and the retaining slot **16,18** has a curved intermediate portion **16** that inhibits movement of the cable **12** transversely in the retaining slot **16,18** (see annotated figure 2 above; columns 1 and 2).

- i. Gleasman lacks disclosure of a linear inner end portion.
- ii. McGovern, however, teaches a retainer slot **20,42,18** having a linear inner end portion **18** adjacent to a curved intermediate portion **42** in order to provide a throat slot located farther away from any cable exit portion than the intermediate curved portion (see figures 2 and 3; column 3 lines 42-55).
- iii. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify the cable attachment of Gleasman by providing a linear inner end portion of the retaining slot in order to provide a space to be occupied by the cable away from the curved intermediate and linear

outer end portions and thereby further inhibit escape of the cable as taught by McGovern.

b. Claim 7. The combination of Gleasman and McGovern, as applied to claim 6, includes the cable **C** being disposed in the linear inner end portion **18** of the retaining slot **20,42,18** (see specifically McGovern figures 2 and 3).

c. Claim 10. The combination of Gleasman and McGovern, as applied above, includes the outer end portion **18** (Gleasman) of the retaining slot **16,18** being linear and the retaining slot **16,18** has a linear inner end portion (**18** of McGovern) and a curved intermediate portion **16** (or **42** of McGovern) that inhibits movement of the cable **12** transversely in the retaining slot **16,18** between the linear inner end portion (**18** of McGovern) and the linear outer end portion **18** (Gleasman), and wherein the end length of cable **12** is inserted into the retaining slot **16,18** until it is disposed in the inner end portion (**18** of McGovern) of the retaining slot **16,18** (see subsections 5(a) and 5(b) above).

Allowable Subject Matter

7. In view of the newly discovered art applied in this Office action, the subject matter previously indicated as allowable is hereby withdrawn.

Response to Arguments

8. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. This action is NON-FINAL due to the new grounds of rejection for claims 9 and 10.
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to cable attachments:

U.S. Patent 6,318,207 to Asai et al.

U.S. Patent 5,662,369 to Tsuge (see figures 5 and 6)

U.S. Patent 4,364,284 to Tani et al. (see prior art figures 1 and 2; figures 4-6)

U.S. Patent 4,266,439 to Hayashi et al. (see especially figure 3)

U.S. Patent 1,921,777 to Ridgers (see figures 1-8 – loading slot 9, fingers 4 and 6, transition slots 7 and 8, retaining slot 5, etc.)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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RMF
July 16, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670